UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,729	12/27/2000	Masaaki Yamamoto	9683/74	3943

7590   11/26/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25,28-30,33-48,70,71,74-81 and 83</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25,28-30,33-48,70,71,74-81 and 83</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08/12/04</u>.

4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 25, 28-30, 33-48, 70, 71 and 74-81 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Evans et al (US 6,650,889) in view of Kuno et al (US

6,473,628).

        Regarding claims 25, 42-45, 70, 71, 74, 76 and 79, Evans teaches a mobile

communication terminal that receives communications services from a mobile wireless

network (see fig.1, wireless connection between mobile client terminal 2 and server 7),

comprising: a communication control that selectively implements multiple

communication functionalities comprising a voice communication functionality (see

column 11, lines 1-39, see "voice" "speech" "spoken"), an electronic message

communication functionality and a network browsing functionality (see Title and

Abstract, see "browser", see fig.1, internet 6 and Web server 7), a viewer that activates

the network browsing functionality to selectively access data sources through the

network, and displays one or more blocks of screen data received from the accessed

data sources, a registration control that stores a selected one of the one or more blocks

of received screen data in one of multiple memory areas (see column 10, lines 47-64

and see fig.5).

Evans does not specifically disclose while implementing the multiple

communication functionalities, at least one standby state is realizable in which no user

action is prompted, a registration control that stores a selected one of the one or more

blocks of received screen data in one of multiple memory areas each correlatable to any

one of the at least one standby state, a correlation control that dynamically correlates

the one of the multiple memory areas to a selected one of the at least one standby

state, and a display control that, when the terminal is in the selected one of the at least

one standby state, displays the selected one of the one or more blocks of stored screen

data.

Kuno teaches while implementing the multiple communication functionalities, at

least one standby state is realizable in which no user action is prompted (see Abstract),

a registration control that stores a selected one of the one or more blocks of received

screen data in one of multiple memory areas each correlatable to any one of the at least

one standby state (see column 2, lines 46-64), a correlation control that dynamically

correlates the one of the multiple memory areas to a selected one of the at least one

standby state (see column 2, line 46 to column 3, line 16), and a display control that,

when the terminal is in the selected one of the at least one standby state (see column 2,

line 46 to column 3, line 16), displays the selected one of the one or more blocks of

stored screen data (also see column 2, line 46 to column 3, line 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide the teaching of Kuno into the system of Evans

in order to provide entertainment during idle moments (see Kuno, column 11, lines 17-

23 and column 12, lines 41-45).

Regarding claim 28, Evans further teaches the data source is located outside the

network and connected to the network over at least one public data communication

network (see fig.1, network 4 and server 7).

Regarding claim 29, Evans further teaches the data source is another

communication terminal (see fig.1, the server 7 reads on Applicant's another

communication terminal).

Regarding claim 30, Evans further teaches the data source is a server that

provides information (see fig.1, server 7).

Regarding claim 33, Evans further teaches the registration control determines,

based on one or more attributes attached to the selected one of the one or more of the

received screen data, whether the selected block of the received screen data is storable

(see fig.4, "graphics tag" and "image").

Regarding claims 34 and 77, Evans further teaches one of the attributes is a size of the selected block of the received screen data (see column 1, lines 38-47).

Regarding claims 35, 36, 37, 40, 75, 78, 80, the combination of Evans and Kuno teaches claims 25 and 70 instead of one of the attributes is copyright protection *or* one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted *or* different screen data is randomly displayed in a standby state *or* the data source is another wireless telephone.

However, using one of the attributes is copyright protection *or* one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted *or* different screen data is randomly displayed in a standby state *or* the data source is another wireless telephone is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed in order to improve one of the attributes is copyright protection *or* one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted *or* different screen data is randomly displayed in a standby state *or* the data source is another wireless telephone.

Regarding claims 38 and 81, Evans further teaches one of the attributes is a communication protocol adopted in the network (see column 1, lines 25-26).

Regarding claims 39, 41 and 47, Evans teaches a mobile communication terminal that receives communications services from a mobile wireless network (see fig.1, wireless connection between mobile client terminal 2 and server 7).

Evans does not specifically disclose different screen data is selectively displayed in a standby state.

Kuno teaches different screen data is selectively displayed in a standby state (see Kuno, column 10, lines 30-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kuno into the system of Evans in order to provide entertainment during idle moments (see Kuno, column 11, lines 17-23 and column 12, lines 41-45).

Regarding claim 46, Evans further teaches the size of the image represented by the selected one of the one or more of the screen data is adjusted (see column 10, lines 21-24).

Regarding claim 48, Evans further teaches the image represented by the selected one of the one or more of the screen data is placed at a designated location on a display of the terminal (fig.5, see 100 and 102).

4.   Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (US 6,650,889) in view of Kuno et al (US 6,473,628) and further in view of Thompson et al (US 5,809,433).

Regarding claim 83, the combination of Evans and Kuno further teaches claim 25. The combination of Evans and Kuno does not specifically disclose one of the at least one standby state is a state of receiving an e-mail.

Thompson teaches one of the at least one standby state is a state of receiving an e-mail (see column 1, lines 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Thompson into the system of Evans and Kuno so that during the standby mode, the radio telephone can receive electronic mail.

Response to Arguments

5.   Applicant's arguments with respect to claims 25, 28-30, 33-48, 70, 71, 74-81 and 83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164.

The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

11/23/04

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